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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,053	10/09/2003	Chandan Mathur	1934-12-3	3240
7590 Bryan A. Santarelli GRAYBEAL JACKSON HALEY LLP Suite 350 155-108th Avenue NE Bellevue, WA 98004-5901		02/26/2010		
EXAMINER				
HUISMAN, DAVID J				
ART UNIT		PAPER NUMBER		
2183				
MAIL DATE		DELIVERY MODE		
02/26/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/684,053	Applicant(s) MATHUR ET AL.
Examiner DAVID J. HUISMAN	Art Unit 2183

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-15, 17-24, and 37-54, as set forth in the final rejection mailed on November 17, 2009.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 2-17-10
13. ☐ Other: _____.

/David J. Huisman/
Primary Examiner, Art Unit 2183

At least the amendment to claim 1 appears to change the scope of the claim such that the examiner's rejection may be affected. Hence, further search and consideration is required by the examiner. However, after a quick analysis of the amendment to claim 1, the examiner feels that the amendment is not sufficient to overcome the prior art of record. For instance, in Chamdani, each buffer is associated with a separate bus, whether it be the bus carrying to the data to the buffer or the bus carrying the data from the buffer. A bus is a data-processing unit, where "unit" is not interpreted as having any special meaning. A data processing unit is simply a thing in a data processing system. And, a bus is a thing. Please note that there may be other ways in which the prior art reads on the current claim.

Furthermore, to address the amendment of claim 10, the examiner does not feel that applicant has narrowed the scope any more than when the claim included the negative limitation of "...includes no data destination information". And, the examiner maintains that the 1-byte header may be interpreted as the only data destination information. From column 2, lines 19-65, and column 7, line 25, to column 8, line 31, the 3-byte header includes a logical channel number, which is not data destination information, as applicant argues, because there is no correspondence between logical channel and physical link. Packet data assigned the same logical channel can be transmitted over different physical links. See the summary of invention. The logical channel number is instead used to separate and distinguish between packets. From Fig.6, the packets are stored either in destination 230-x or 220-x, and this destination is determined based on the LCSN, which is in the 1-byte header. In other words, the data destination is either input list 230-x or message buffer 220-x, and any information not resulting in a determination to store the data either in the input list or message buffer is not data destination information according to the examiner's interpretation. Hence, since the 3-byte header does not result in a selection between destination locations (i.e., input list and message buffer), the 3-byte header is not considered data destination information. Consequently, the examiner maintains that his rejection is valid.